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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-05674-PKC**

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| New York Civil Liberties Union v. United States Department of Justice | Date Filed: 06/24/2008 |
| Assigned to: Judge P. Kevin Castel | Date Terminated: 05/17/2010 |
| Cause: 05:552 Right to Privacy Act | Jury Demand: None |
| | Nature of Suit: 895 Freedom of Information Act |
| | Jurisdiction: U.S. Government Defendant |

Plaintiff

New York Civil Liberties Union

represented by **Amrit Singh**
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TERMINATED: 07/31/2009
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V.

Defendant

United States Department of Justice

represented by **Ross Eric Morrison**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------------|--|
| 06/24/2008 | <u>1</u> | COMPLAINT against United States Department of Justice. (Filing Fee \$ 350.00, Receipt Number 655068)Document filed by New York Civil Liberties Union. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(rdz) (Entered: 06/26/2008) |
| 06/24/2008 | | SUMMONS ISSUED as to United States Department of Justice, U.S. Attorney and U.S. Attorney General. (rdz) (Entered: 06/26/2008) |
| 06/24/2008 | | Magistrate Judge Frank Mass is so designated. (rdz) (Entered: 06/26/2008) |
| 06/24/2008 | | Case Designated ECF. (rdz) (Entered: 06/26/2008) |
| 06/27/2008 | <u>2</u> | AFFIDAVIT OF SERVICE of Summons & Complaint served on United States Attorney's Office - Southern District of New York on June 24, 2008. Service was accepted by Lisa Ahearn. Document filed by New York Civil Liberties Union. (Freeman, Daniel) (Entered: 06/27/2008) |
| 06/27/2008 | <u>3</u> | AFFIDAVIT OF SERVICE of Summons & Complaint served on Attorney General of the United States on June 24, 2008. Service was made by Certified Mail. Document filed by New York Civil Liberties Union. (Freeman, Daniel) (Entered: 06/27/2008) |
| 06/27/2008 | <u>4</u> | AFFIDAVIT OF SERVICE of Summons & Complaint served on United States Department of Justice on June 24, 2008. Service was made by Certified Mail. Document filed by New York Civil Liberties Union. (Freeman, Daniel) (Entered: 06/27/2008) |

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| 07/01/2008 | <u>5</u> | ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/8/2008 at 11:30 AM in Courtroom 12C, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. (Signed by Judge P. Kevin Castel on 7/1/08) (cd) (Entered: 07/01/2008) |
| 07/01/2008 | <u>6</u> | NOTICE OF APPEARANCE by Ross Eric Morrison on behalf of United States Department of Justice (Morrison, Ross) (Entered: 07/01/2008) |
| 07/24/2008 | <u>7</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 7/23/2008 re: Counsel writes to respectfully request an extension of time to 8/6/2008, for the Government to respond to the Complaint. ENDORSEMENT: Application granted. SO ORDERED.(United States Department of Justice answer due 8/6/2008.) (Signed by Judge P. Kevin Castel on 7/24/2008) (tve) (Entered: 07/24/2008) |
| 08/05/2008 | <u>8</u> | NOTICE OF APPEARANCE by Matthew John Faiella on behalf of New York Civil Liberties Union (Faiella, Matthew) (Entered: 08/05/2008) |
| 08/06/2008 | <u>9</u> | ANSWER to Complaint. Document filed by United States Department of Justice. (Morrison, Ross) (Entered: 08/06/2008) |
| 08/08/2008 | | Minute Entry for proceedings held before Judge P. Kevin Castel: Initial Pretrial Conference held on 8/8/2008. (ad) (Entered: 08/08/2008) |
| 08/08/2008 | <u>10</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 8/7/08 re: For the reasons set forth in this letter, the parties request that the court hold the first conference in approximately 60 days. ENDORSEMENT: After hearing counsel at a pretrial conference held today and in view of the progress made as outlined in the August 7 letter, I will direct the parties to provide a written status report on or before October 31, 2008. So ordered., (Status Report due by 10/31/2008.) (Signed by Judge P. Kevin Castel on 8/8/08) (mme) (Entered: 08/08/2008) |
| 11/05/2008 | <u>11</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 10/31/2008 re: The parties provide this status report concerning this matter. ENDORSEMENT: Further status update due January 9, 2009. SO ORDERED. (Signed by Judge P. Kevin Castel on 11/5/2008) (jpo) (Entered: 11/06/2008) |

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| 01/12/2009 | <u>1</u> <u>2</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison and Matthew Faiella dated 1/9/2009 re: This Office represents defendant United States Department of Justice in the above-captioned action. Pursuant to the Court's November 5, 2008 Order, the parties provide this status report concerning this matter. As set forth in the parties' last status report, dated October 31, 2008, the parties made a number of agreements concerning the FBI's multi-stage processing of plaintiff's FOIA request. Since the October 31, 2008 status report, the parties have made substantial progress under those agreements, and have continued to work to resolve this matter amicably. ENDORSEMENT: Next status report due April 10, 2009. SO ORDERED. (Status Report due by 4/10/2009.) (Signed by Judge P. Kevin Castel on 1/12/2009) (jmi) (Entered: 01/13/2009) |
| 04/09/2009 | <u>1</u> <u>3</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 4/8/2009 re: Counsel writes to request a 60 day extension of time, from 4/10/2009, until 4/16/2009, for the parties to submit their next joint status report to the Court. ENDORSEMENT: SO ORDERED. (Signed by Judge P. Kevin Castel on 4/9/2009) (tve) (Entered: 04/09/2009) |
| 04/17/2009 | <u>1</u> <u>4</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison and Matthew Faiella (jointly submitted) dated 4/16/09 re: Pursuant to the Court 1/12/09 Order, the parties provide this status report concerning this matter as further set forth herein. ENDORSEMENT: Report to Court will be due June 30, 2009. (Signed by Judge P. Kevin Castel on 4/17/09) (tro) (Entered: 04/17/2009) |
| 07/01/2009 | <u>1</u> <u>5</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison & Matthew Faiella dated 6/30/2009 re: the parties provide this status report concerning this matter. The parties request that they be allowed to submit another status report to the Court in approximately sixty days. ENDORSEMENT: If this case is not going to be restored by the parties (as it now sounds from the letter submitted), then I will require the parties to submit a schedule for bringing this case to conclusion by motion or trial. Schedule to be submitted by 9/18/2009. (Signed by Judge P. Kevin Castel on 7/1/2009) (jar) (Entered: 07/01/2009) |
| 07/13/2009 | <u>1</u> <u>6</u> | MOTION for Lori Danielle Tully to Withdraw as Attorney. Document filed by New York Civil Liberties Union.(Jaffer, Jameel) (Entered: 07/13/2009) |
| 07/31/2009 | <u>1</u> <u>7</u> | ORDER granting <u>16</u> Motion to Withdraw as Attorney. Attorney Lori Danielle Tully terminated. Arthur Eisenberg, Christopher Dunn, and Matthew Faiella of the New York Civil Liberties Union Foundation and Jameel Jaffer, Lee Gelernt, and Amrit Singh of the American Civil Liberties Union Foundation will continue to represent the plaintiffs in this case. (Signed by Judge P. Kevin Castel on 7/29/09) (djc) (Entered: 07/31/2009) |

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| 09/18/2009 | <u>1</u> <u>8</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Matthew Faiella and Christopher Dunn dated 9/18/09 re: Request for the proposed schedule further set forth in said Letter (i.e. January 22, 2010: The FBI will produce to Plaintiff a Vaughn Index and will file its motion for summary judgment; February 19, 2010: Plaintiff will file its opposition to the FBI's motion for summary judgment; March 5, 2010: The FBI will reply to Plaintiffs opposition to the FBI's motion for summary judgment). ENDORSEMENT: The proposed schedule is adopted as the Order of this Court. SO ORDERED. (Motions due by 1/22/2010. Replies due by 3/5/2010. Responses due by 2/19/2010) (Signed by Judge P. Kevin Castel on 9/18/09) (db) (Entered: 09/18/2009) |
| 01/22/2010 | <u>1</u> <u>9</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 1/21/2010 re: The FBI now requests that the Schedule be modified, as follows: the FBI will file its Vaughn Index and an accompanying explanatory affidavit, without a Notice of Motion or Memorandum of Law, on 4/17/2010; following that filing, plaintiff will review the Index and affidavit and the parties will discuss the Interview and Non-Interview Reports documents and categories of redactions or withholdings described therein, with the goal of narrowing or eliminating entirely the parties' disputes about the redactions or withholdings; and, by March 5, 2010, the parties will inform the Court of a proposed schedule for the parties to file memoranda of law, if necessary. ENDORSEMENT: Application granted. (Signed by Judge P. Kevin Castel on 1/22/2010) (tro) (Entered: 01/22/2010) |
| 02/17/2010 | <u>2</u> <u>0</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Ross E. Morrison dated 2/16/10 re: the FBI requests a two-week extension to this schedule, such that the FBI will file its Vaughn Index and affidavit on March 3, 2010, and the parties will inform the Court of a proposed schedule to file memoranda of law, if necessary, by March 17, 2010. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge P. Kevin Castel on 2/16/10) (djc) (Entered: 02/17/2010) |
| 03/05/2010 | <u>2</u> <u>1</u> | DECLARATION of David M. Hardy. Document filed by United States Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P (Part 1), # <u>17</u> Exhibit P (Part 2), # <u>18</u> Exhibit P (Part 3), # <u>19</u> Exhibit P (Part 4), # <u>20</u> Exhibit P (Part 5), # <u>21</u> Exhibit P (Part 6), # <u>22</u> Exhibit P (Part 7), # <u>23</u> Exhibit P (Part 8))(Morrison, Ross) (Entered: 03/05/2010) |
| 03/18/2010 | <u>2</u> <u>2</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Matthew Faiella and Ross E. Morrison dated 3/17/2010 re: The parties request that they be allowed to inform the Court by April 16, 2010, whether they have resolved the outstanding fee issues. ENDORSEMENT: Application granted. (Signed by Judge P. Kevin Castel on 3/18/2010) (jpo) (Entered: 03/18/2010) |
| 04/15/2010 | <u>2</u> <u>3</u> | ENDORSED LETTER addressed to Judge P. Kevin Castel from Matthew Faiella dated 4/14/10 re: both parties respectfully request an extension until May 7, 2010, to inform the Court whether they have resolved the outstanding fee issues. ENDORSEMENT: Application granted. So ordered. (Signed by Judge P. Kevin Castel on 4/14/10) (pl) (Entered: 04/15/2010) |

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| 05/03/2010 | 2 4 | STIPULATION AND ORDER FOR SUBSTITUTION OF COUNSEL. IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the firm of Dickstein Shapiro LLP, 1633 Broadway, New York, New York, 10019 be substitution as counsel of record for defendant Battery Park City Authority in the cases set forth on Schedule A hereto (with respect to the claims therein involving Two World Financial Center (225 Liberty Street) and/or Four World Financial Center (250 Vesey Street)), in place and stead of Wilson, Elser, Moskowitz, Edelman & Dicker LLP. Relates to All Cases on Schedule A. (Signed by Judge Alvin K. Hellerstein on 5/3/10) (rjm) (Entered: 05/10/2010) |
| 05/17/2010 | 2 5 | STIPULATION AND ORDER that the US will pay to plaintiff the sum of \$27,500, in attorneys' fees and litigation costs, pursuant to the Freedom of Information Act, and as further set forth in this document. This action is hereby dismissed with prejudice. (Signed by Judge P. Kevin Castel on 5/17/10) (cd) (Entered: 05/17/2010) |

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